United Nations S/2004/97

Security Council

Distr.: General
5 February 2004

Original: English

Letter dated 4 February 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey the attached communication, dated 26 January 2004, which I received from the Secretary-General of the North Atlantic Treaty Organization (see annex).

I should be grateful if the present letter could be brought to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

04-23124 (E) 060204

Annex

Letter dated 26 January 2004 from the Secretary-General of the North Atlantic Treaty Organization addressed to the Secretary-General

In accordance with Security Council resolution 1088 (1996), I attach the monthly report on the operations of the Stabilization Force (SFOR) for December 2003. I would appreciate your making this report available to the Security Council.

(*Signed*) Jaap de Hoop **Scheffer**

Enclosure

Monthly report to the United Nations on the operations of the Stabilization Force

1. Over the reporting period (1-31 December 2003) there were just over 11,400 troops deployed in Bosnia and Herzegovina and Croatia.

Security

2. The overall situation in Bosnia and Herzegovina remained stable during the period under review.

3. On 2 December, the International Criminal Tribunal for the Former Yugoslavia sentenced Momir Nikolic to 27 years' imprisonment for his role in the July 1995 Srebrenica massacre. Nikolic, a former intelligence officer in the Bratunac Brigade, was detained by SFOR on 1 April 2002. On 6 May 2003, he pleaded guilty to one count of crimes against humanity, in exchange for which the prosecution dropped four additional charges.

4. On 18 December, the Tribunal sentenced Dragan Nikolic to 23 years' imprisonment for crimes against humanity, including persecutions, murder, rape and torture, committed while serving as the commander of the Susica prison camp in Vlasenica between May and October 1992. On 4 November 1994, Nikolic became the first person to be indicted by the Tribunal and on 20 April 2000, he was detained by SFOR.

Attacks against SFOR and SFOR operational activities

5. There were no significant acts of violence directed against SFOR personnel over the reporting period.

6. SFOR continued to contribute to the maintenance of a safe and secure environment in Bosnia and Herzegovina and to monitor possible terrorist-related threats throughout the country. SFOR remained engaged with Operation Harvest framework operations and exercises. In December, several large weapons caches were discovered during search operations. Joint Harvest Operations with local police and Republika Srpska Army (VRS)/Army of the Federation of Bosnia and Herzegovina (VF) have shown some success. One of the outstanding achievements was that in some areas, the local population voluntarily brought weapons, ammunition and other explosives to local police and SFOR. Despite severe winter weather, the pace of Operation Armadillo, designed to support the destruction of current stocks of dangerous, unsafe and unserviceable VRS ammunition, continued successfully. The VRS has made all efforts to transport unstable and redundant ammunition to the demolition sites supported and escorted by SFOR. Overall, December 2003 has been a fruitful month.

7. The results of weapons turned-in/collected from 1 to 31 December within the framework of Operation Harvest are: 1,282 small arms (rifles, pistols and revolvers, etc.); 222,212 rounds of ammunition less than 20 mm; 154 rounds of ammunition between 20 mm and 76 mm; 153 rounds of ammunition more than 76 mm; 6,204 hand grenades; 1,498 mines; 131.5 kilograms of explosives; 3,684 other items (mortars and mortar rounds, rifle grenades, handmade ordnance, attack rockets, etc.).

8. On 1 December, the North Atlantic Council in Defence Ministers session noted that in the light of the significant progress made in Bosnia and Herzegovina, SFOR would reduce by 42 per cent its current force levels by June 2004. Furthermore, on 4 December, NATO Foreign Ministers stated that Allies would assess options for the future size and structure of SFOR, to include possible termination of SFOR by the end of 2004, transition possibly to a new European Union mission within the framework of the "Berlin+" arrangements and to a new NATO headquarters in Sarajevo.

Cooperation and compliance by the parties

9. On 11 December, a draft defence reform law was agreed by the Republika Srpska National Assembly (RSNA) establishing the subordination of the military to the civilian authority of Bosnia and Herzegovina. This action created the legal basis to integrate the Bosnian Ministry of Defence with the structure of an overall Bosnia and Herzegovina military command, conforming to NATO's Partnership for Peace requirement of establishing a supreme command remaining under civilian control of the Bosnia and Herzegovina tri-presidency. Compromises on uniform insignias, flying unit flags, and data on recruits were important steps in ensuring a draft law was developed.

10. During the reporting period, the Entity Armed Forces have carried out normal training activities, in compliance with the military provisions of the Dayton Peace Agreement. In December 2003, there were no reports of missing weapons from weapons storage sites.

11. There were a total of 133 Entity Armed Forces training and operation activities (109 VRS and 24 VF) during the reporting period and 297 movements (180 VRS and 117 VF) conducted during the reporting period. Entity Armed Forces mine-clearing activities.paused during the reporting period and would resume in January 2004. SFOR conducted a total of 65 weapons storage sites and ammunition storage sites inspections during the reporting period (26 VRS and 39 VF). Three weapons storage sites were closed this month and another 11 are pending closure.

Cooperation with international organizations

12. Within capabilities and in accordance with its mandate, SFOR continues to provide assistance to the international organizations working in theatre.

Outlook

13. In December, SFOR continued to maintain a safe and secure environment in Bosnia and Herzegovina. The success of Operation Armadillo of Operation Harvest and the Defence Reform Law indicate that Bosnia and Herzegovina is making steady progress towards establishing state-level defence structures, as well as Euro-Atlantic and European integration.

United Nations S/2004/98

Security Council

Distr.: General
5 February 2004

Original: English

Letter dated 5 February 2004 from the Secretary-General addressed to the President of the Security Council

Pursuant to Security Council resolution 1244 (1999), I have the honour to convey the attached report on the international security presence in Kosovo covering the period from 1 to 31 December 2003 (see annex).

I should be grateful if you would arrange to bring this report to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

04-23136 (E) 060204

Annex

Monthly report to the United Nations on Kosovo Force operations

1. Over the reporting period (1 to 31 December 2003) there were 19,168 Kosovo Force (KFOR) troops in theatre.

Security

2. While the number of criminal acts, including murders, kidnapping, rapes and assaults, decreased in December 2003, political and inter-ethnic tensions remained high in Kosovo.

3. On 6 December, in front of the Mitrovica North Hospital, a convoy of vehicles escorting Provisional Institutions of Self-Government Prime Minister Rexhepi was attacked by Kosovo Serbs using stones and Molotov cocktails. Prime Minister Rexhepi had been attending talks between international banking institutions and Kosovo Serbian farmers. Two vehicles (one from the Kosovo Police Service and one from the United Nations Interim Administration Mission in Kosovo (UNMIK) caught fire and an UNMIK bus was seriously damaged. UNMIK police intervened by cordoning off the area. Following this incident, around 200 Kosovo Serbs began to gather at different points in Mitrovica and UNMIK police requested KFOR assistance should they be required to intervene. By the middle of the afternoon, all persons had dispersed and the situation was calm again.

4. On 22 December, former ethnic Albanian rebel commander Xhemail Hyseni, who was tried in absentia and sentenced to seven years imprisonment for two bomb attacks in the former Yugoslav Republic of Macedonia,[1] surrendered to KFOR and was transported to Camp Bondsteel. On 28 December, KFOR handed Hyseni over to UNMIK custody, where he will remain while UNMIK and the authorities of the former Yugoslav Republic of Macedonia agree upon extradition formalities.

5. On 20 December, a grenade was found attached to the underside of an UNMIK vehicle used by the border police. KFOR Explosive Ordnance Disposal (EOD) disposed of the grenade.

6. On 10 December, in Kosovo, the Special Representative of the Secretary-General, Mr. Holkeri, officially unveiled his standards for Kosovo plan. This initial document will be followed by a formal plan to be published in early 2004, covering the implementation of the standards. The document is a significant milestone in further achieving the eight standards that will have to be reached before any discussion can start on Kosovo's status. The standards are:

- Functioning democratic institutions
- Rule of law
- Freedom of movement
- Return of refugees/displaced persons
- Sustainable competitive market economy
- Property rights

[1] Turkey recognizes the former Yugoslav Republic of Macedonia under its constitutional name.

- Dialogue with Belgrade
- Kosovo Protection Corps

7. Even before the formal announcement by the Special Representative of the Secretary-General, the Serb Government had rejected the plan and the day following the announcement, the Kosovo Assembly, which had praised his declaration as a step towards eventual independence, repealed all legislation passed by the Serbian Parliament since March 1989, stating that it hindered privatization. This decision was overturned that afternoon by Mr. Holkeri. The difficulties lying ahead for the Special Representative of the Secretary-General in implementing his plan are considerable. Coincidental with the announcement, a group of 11 Kosovo Serbs trying to return to their homes in Klina were turned back by 250 stone-throwing Kosovo Albanian protesters. The free and unhindered return of displaced persons is one of the eight standards announced by the Special Representative of the Secretary-General.

Attacks against the Kosovo Force and Kosovo Force operational activities

8. There were no acts of violence or aggressive behaviour reported against KFOR personnel during the month of December.

Cooperation and compliance by the parties

9. The armed forces of Serbia and Montenegro and the Ministry of Internal Affairs Special Police (MUP) remained in compliance with the terms and conditions of the Military Technical Agreement.

The Kosovo Protection Corps

10. On 11 December, the Special Representative of the Secretary-General, Mr. Holkeri, made his long-awaited announcement to the Commander of the Kosovo Protection Corps, Lt. Gen. Agim Ceku, that 12 members of the Corps were to be suspended immediately. The 12 officers had been accused of collaboration with radical organizations and organized crime. All 12 have been suspended with pay, but will not be permitted to function as members of the Corps. All their rights and privileges, other than remuneration, have been withdrawn. Furthermore, the Special Representative of the Secretary-General has directed the police to initiate criminal investigations against all 12 officers.

11. During December, 31 roll calls were made at KPC units. The results continue to show a low rate of absenteeism without permission, that is, out of the 1,271 persons involved in the musters, 16 were absent without permission (this represents 1.2 per cent). The results also show that the number of individuals on leave is at an acceptable level of 13 per cent (the minimum required presence at any one time is set at 75 per cent).

12. It was reported in December that international donor support for funding a programme by the International Organization for Migration (IOM) for KPC training and projects would end in April 2004. As at the end of December 2003, no new donors had been forthcoming.

Outlook

13. Stability in Kosovo remains fragile. The standards for Kosovo plan presented by the Special Representative of the Secretary-General, part of the larger "review date" strategy for Kosovo endorsed by the Security Council, is an important step, but only the beginning of a longer process. Initial reactions are indicative of the challenges ahead. Provisional Institutions of Self-Government institutions continue to be rudimentary and highly politicized and the most robust part of Kosovo's economy is its illegal side. While overall levels of crime diminished in December, ethnic-related crime and intimidation remain high. December demonstrated that funding, employment and oversight of the KPC continue to be significant issues. Despite these issues, KFOR will remain vigilant in maintaining a safe and secure environment in Kosovo.

United Nations S/2004/99

Security Council

Distr.: General
5 February 2004

Original: English

Letter dated 5 February 2004 from the Permanent Representatives of Brazil, Canada, Egypt, Germany, Ghana, India, Japan, Mexico, Pakistan and South Africa to the United Nations addressed to the President of the Security Council

Being major stakeholders in peacekeeping operations, we would like to draw your attention to a concern we are sharing, namely, on decision-making in peacekeeping operations.

At present, the parties involved in decision-making regarding peacekeeping operations consist of the members of the Security Council, the Secretariat and troop-contributing countries, as the case may be. We do not ignore the fact that there are mechanisms providing the basis for the inclusion of other interested Member States in the decision-making process on a case-by-case basis. We are referring here to Council resolution 1353 (2001) and the note by the President of the Council dated 14 January 2002 (S/2002/56).

Past experience has shown, however, that these mechanisms, for various reasons, have so far not succeeded in allowing for substantial input by major stakeholders in peacekeeping operations. Meetings with troop-contributing countries scheduled pursuant to Security Council resolution 1353 (2001) have turned out largely to be of a purely informative and technical nature with little or no relevance for Council decisions. On the other hand, in the Security Council Working Group on Peacekeeping Operations, the so-called new mechanism established pursuant to the above-mentioned note could theoretically provide for truly interactive meetings of stakeholders in peacekeeping operations, thus enriching the work of the Council.

Unfortunately, the potential for a broad-based approach has — with one exception, in autumn 2002, when the Security Council Working Group convened on the situation in Sierra Leone — remained untapped. It is not our intention to go into the reasons for the Working Group's inactivity during the past 15 months. Rather, we need to look forward. The notable increase in demand for peacekeeping operations in Africa, with the need for resources on an unprecedented scale, should be enough of a reason to think of ways and means to organize a more comprehensive and rational decision-making process, involving *all* stakeholders. It is our conviction that, apart from improving the basis for decision-making in the Council, the inclusion of major stakeholders will also create a considerable incentive for the general membership to support peacekeeping operations. Furthermore, in line with established principles of modern political processes, decisions should not be made

04-23198 (E) 060204

without the participation of those on whose shoulders major financial burdens are being placed or who are politically involved.

It seems to us that the most obvious path to take in this situation would be to schedule regular meetings of the Security Council Working Group as the forum for open debate, allowing all interested parties to make their views known on Council issues concerning peacekeeping operations, like their size, timing and scope and, if relevant, exit strategies. This type of substantive debate would permit the Chairman of the Security Council Working Group to usefully report back to the Council, whose decision-making competence would remain unaffected.

As for the question how to determine who has a legitimate interest in participation, the Security Council has itself set a precedent which could be followed: in public meetings of the Council, non-members with a stake in the agenda item are, upon request, given the right to speak.

We would be grateful if the present letter could be circulated as a document of the Security Council and if Security Council Working Group meetings on upcoming peacekeeping operations could be organized accordingly.

(*Signed*) Ambassador Ronaldo M. **Sardenberg**
Permanent Representative of Brazil to the United Nations

(*Signed*) Ambassador Allan **Rock**
Permanent Representative of Canada to the United Nations

(*Signed*) Ambassador Ahmed **Aboul Gheit**
Permanent Representative of Egypt to the United Nations

(*Signed*) Ambassador Gunter **Pleuger**
Permanent Representative of Germany to the United Nations

(*Signed*) Ambassador Nana **Effah-Apenteng**
Permanent Representative of Ghana to the United Nations

(*Signed*) Ambassador Vijay K. **Nambiar**
Permanent Representative of India to the United Nations

(*Signed*) Ambassador Koichi **Haraguchi**
Permanent Representative of Japan to the United Nations

(*Signed*) Ambassador Enrique **Berruga**
Permanent Representative of Mexico to the United Nations

(*Signed*) Ambassador Munir **Akram**
Permanent Representative of Pakistan to the United Nations

(*Signed*) Ambassador Dumisani S. **Kumalo**
Permanent Representative of South Africa to the United Nations

United Nations S/2004/100

Security Council

Distr.: General
6 February 2004

Original: English

Letter dated 8 January 2004 from the President of the General Assembly to the President of the Security Council

I have the honour to bring to your attention herewith the contents of General Assembly resolution 58/275 of 23 December 2003, adopted under agenda items 120 entitled "Programme budget for the biennium 2002-2003", 121 entitled "Proposed programme budget for the biennium 2004-2005" and 161 entitled "Financing of the United Nations Mission in Côte d'Ivoire", as requested in paragraph 5 of that resolution.

Attention is drawn in particular to paragraphs 3 and 4 of the aforementioned resolution, in which the General Assembly decided, as a provisional and exceptional measure, to finance the United Nations Mission in Côte d'Ivoire up to the expiration of its current mandate in accordance with the scale of assessments for the apportionment of the expenses of the United Nations under the regular budget and also decided that the issue of the most appropriate funding for the Mission upon the renewal of its mandate should be considered by the Assembly at the first part of its resumed fifty-eighth session, in the context of established norms and practice.

The Fifth Committee, to which this item has been allocated for consideration, is scheduled to hold its first resumed session from 8 March to 2 April 2004.

(*Signed*) Julian R. **Hunte**
President of the General Assembly

04-23246 (E) 060204

United Nations S/2004/101

Security Council

Distr.: General
6 February 2004

Original: English

Report by the Secretary-General concerning the credentials of the alternate representatives of the Philippines on the Security Council

Pursuant to rule 15 of the provisional rules of the procedure of the Security Council, the Secretary-General wishes to report that he has received credentials, signed on 14 January 2004 by the Secretary of Foreign Affairs of the Philippines, stating that Ms. Maria Rosario Aguinaldo, Mr. Meynardo Montealegre, Mr. Patrick A. Chuasoto, Ms. Marie Yvette L. Banzon and Mr. Elmer Cato have been appointed alternate representatives of the Philippines on the Security Council.

In the opinion of the Secretary-General, these credentials are in order.

04-23342 (E) 090204

United Nations S/2004/102

Security Council

Distr.: General
9 February 2004

Original: English

Letter dated 29 January 2004 from the Secretary-General addressed to the President of the Security Council

Despite various efforts to break the stalemate, the lack of progress in the implementation of the Algiers Agreement between Ethiopia and Eritrea remains a cause for serious concern and could have negative implications for the future of the two countries as well as the region.

In order to explore with the two Governments how best the current impasse in the implementation of the Algiers Agreement could be overcome, I have offered my good offices to the two parties, and decided to appoint Lloyd Axworthy, former Minister for Foreign Affairs of Canada, as my Special Envoy for Ethiopia and Eritrea to help in this effort.

As the President of the Security Council stated in his statement to the press on 7 January 2004, the decision of the Eritrea-Ethiopia Boundary Commission, which the parties accepted in advance as final and binding, has to be implemented expeditiously. The President also expressed support for my offer of good offices and noted that the offer did not represent a new or alternative mechanism. I have emphasized to the parties that my initiative will focus on the implementation of the Algiers Agreement, the decision of the Eritrea-Ethiopia Boundary Commission, and the relevant resolutions and decisions of the Security Council, and help the two parties to create a mutually advantageous situation, through dialogue and improved relations.

To be successful, this initiative will require not only the strong and sustained political will and commitment of the two Governments, but also the full engagement and support of the international community, in particular the Security Council, on which I count.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) Kofi. A. **Annan**

04-23383 (E) 090204

United Nations S/2004/103

Security Council

Distr.: General
9 February 2004

Original: English

Letter dated 9 February 2004 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 29 January 2004 (S/2004/102) concerning your decision to appoint Lloyd Axworthy (Canada) as your Special Envoy for Ethiopia and Eritrea has been brought to the attention of the members of the Security Council.

In welcoming this decision, the members of the Council recall the statement to the press made by the President on 30 January 2004, expressing full support for your mission of good offices. They also look forward to close cooperation with your Special Envoy.

(*Signed*) **Wang** Guangya
President of the Security Council

04-23389 (E) 090204

United Nations S/2004/104

Security Council

Distr.: General
10 February 2004

Original: English

Letter dated 6 February 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the United Nations Assistance Mission in Afghanistan (UNAMA).

Following the usual consultations, it is my intention to appoint Mr. Jean Arnault (France) as my Special Representative for Afghanistan and Head of UNAMA. Mr. Arnault will replace Mr. Lakhdar Brahimi (Algeria) who relinquished the post on 6 January 2004.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

04-23555 (E) 100204

United Nations S/2004/105

Security Council

Distr.: General
10 February 2004

Original: English

Letter dated 10 February 2004 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 6 February 2004 (S/2004/104) concerning your intention to appoint Mr. Jean Arnault (France) as your Special Representative for Afghanistan and Head of the United Nations Assistance Mission in Afghanistan (UNAMA) has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.

(*Signed*) **Wang** Guangya
President of the Security Council

04-23549 (E) 100204

United Nations S/2004/106

Security Council

Distr.: General
11 February 2004

Original: English

Letter dated 10 February 2004 from the Secretary-General addressed to the President of the Security Council

With reference to the statement by the President of the Security Council of 12 December 2002 (S/PRST/2002/33), I have the honour to convey the letter dated 21 January 2004 which I received from the Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union, transmitting the report on the activities of the European Union Police Mission in Bosnia and Herzegovina covering the period from 1 July to 31 December 2003 (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

04-23807 (E) 120204

Annex

Letter dated 21 January 2004 from the Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union to the Secretary-General of the United Nations

In accordance with the statement by the President of the Security Council of 12 December 2002 (S/PRST/2002/33), I attach a report on the activities of the European Union Police Mission in Bosnia and Herzegovina (EUPM) covering the period from 1 July to 31 December 2003 (see enclosure). I propose to continue to provide the Security Council with a written update on the progress of EUPM every six months, as appropriate. I should be grateful if you would transmit the present letter and its enclosure to the President of the Security Council.

(*Signed*) Javier **Solana**

Enclosure

Report of the Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union on the activities of the European Union Police Mission in Bosnia and Herzegovina covering the period from 1 July to 31 December 2003

Introduction

The European Union Police Mission is the first operation undertaken under the European Security and Defence Policy. It was initiated as a follow-on mission to the International Police Task Force (IPTF) in Bosnia and Herzegovina.

This report is the second update by the Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union to the Security Council on the activities of the Mission and covers the period from 1 July to 31 December 2003.

Status

As at 31 December 2003 EUPM numbered 861 personnel of whom 471 are seconded police officers, 58 international civilians and 332 Bosnia and Herzegovina national staff. All 15 European Union member States participate in the Mission (384 police officers) together with 18 non-EU contributing States (87 police officers). For the first time, the Russian Federation contributed personnel to EUPM during this reporting period.[1]

Mandate and operations

The European Union Police Mission began operations on 1 January 2003 with a mission to establish sustainable policing arrangements under Bosnia and Herzegovina ownership in accordance with best European and international practice, thereby raising current police standards in Bosnia and Herzegovina.[2] It is a non-executive mission and achieves its objectives through mentoring, advising and monitoring the police forces of Bosnia and Herzegovina.

The Mission conducts its operations through intensive co-location at the senior and middle levels of the police, from State to entity to public security centre/canton level, and seven core programmes (five thematic and two institution specific):

- Crime police (including major and organized crime and human trafficking "FIGHT" project)
- Criminal justice (including court police and cooperation between the police and judiciary)
- Internal affairs (including establishment of public complaints bureaus in each police force)

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[1] The 18 non-EU contributing States are Bulgaria, Canada, the Czech Republic, Cyprus, Estonia, Hungary, Iceland, Latvia, Lithuania, Norway, Poland, Romania, the Russian Federation, Slovakia, Slovenia, Switzerland, Turkey and Ukraine.

[2] Council of the European Union Joint Action of 11 March 2002 on the European Union Police Mission (2002/210/CFSP), annex, Mission Statement for EUPM.

- Police administration (including financial, personnel and administrative management training)
- Public order and security (including returnee safety, crime prevention, support units)
- State Border Service (SBS)
- State Information and Protection Agency (SIPA).

A Bosnia and Herzegovina Police Steering Board has been established by EUPM and has matured in the past six months. It comprises the Director of SIPA, the Director and Chief of Service of SBS, the Director of Police of the Federation of Bosnia and Herzegovina, the Republika Srpska Police Director, the Brcko District Police Chief and the EUPM Police Head of Mission. Its function is to drive forward the changes required to improve the effectiveness and efficiency of the local police, under local ownership, and to promote synergies, coordination and cooperation between the different police forces. The Bosnia and Herzegovina Police Steering Board is also the top-level operational vehicle whereby the core programmes are tabled to the senior police officers in Bosnia and Herzegovina for their consideration and action where appropriate. Each programme has a working group consisting of Bosnia and Herzegovina and EUPM police officers.

Each core programme and the numerous sub-projects have been benchmarked. The benchmarking process is the main tool whereby EUPM and the local police can monitor the progress and implementation of the programmes across the police forces.

As noted in the recent feasibility study by the European Commission on the preparedness of Bosnia and Herzegovina to negotiate a Stabilization and Association Agreement with the European Union, policing in Bosnia and Herzegovina has improved: professionalism has increased, management capacity has grown and cooperation between police services and other enforcement agencies has improved (for example, SBS and the customs authorities). Understanding and cooperation between the police forces is also improving. In November, for the first time, a joint operation was conducted by the Federation, Republika Srpska and Brcko District Police. Likewise, the State Border Service has improved its operational cooperation with local police forces and inter-cantonal coordination is much enhanced.

The feasibility study of the European Commission also gave an additional impetus for further improvement in reforms in the police sector in Bosnia and Herzegovina. The study referred specifically to the need to reform further and to enhance State-level enforcement capacity to fight crime, as well as the need for further restructuring and rationalization of the disparate police forces.

It should be noted that progress in the Bosnia and Herzegovina police forces has occurred against the backdrop of considerable overall progress in the strengthening of the rule of law in Bosnia and Herzegovina, notably in the judicial and prosecutorial fields.

Operational priorities

The Police Head of Mission has maintained the Mission's priorities in the second half of 2003 as the strengthening of the State-level law enforcement

agencies, the fight against organized crime, especially human trafficking, and the safety and security of returnees. The first two priorities are inextricably linked. EUPM also recognizes the existing links between war crimes and organized crime as well as returnee security. In this context, the War Crimes Advisory Unit is addressing these issues and also ensuring correct local police procedures for the handling of those war crimes cases being tried in Bosnia and Herzegovina.

The implementation of two EUPM projects, "Major and organized crime" and "Fight and intervention against human trafficking", has produced improved police and State Border Service performance in tackling car theft, drugs seizures and the trafficking of human beings.

The local police's abilities to fight organized crime have been improved by the Mission's introduction and mentoring of intelligence-led policing. In relation to human trafficking, this was summarized in the recent UNICEF/OHCHR/OSCE Office for Democratic Institutions and Human Rights report on the trafficking of human beings in south-eastern Europe:

> "EUPM has introduced a new law enforcement strategy to combat trafficking based on investigation-led policing and the restructuring of the local police. The changes introduced by EUPM are very positive. They are based on the experience of members of the EUPM Trafficking Team in combating trafficking in Western Europe. Investigation-led policing focuses on the criminals rather than the victims by collecting evidence against the traffickers rather than by constantly harassing the victims during repetitive, poorly prepared bar raids. These are altogether necessary and very welcomed changes in the law enforcement approach to the issue of trafficking, changes that are also recommended for other countries."[3]

Nevertheless, the current capacity of the police forces to fight major and organized crime in a coherent and coordinated way is still limited. This capacity can only be raised by the effective establishment of SIPA with police powers, the ability to gather and analyse criminal intelligence and enhance the coordination and cooperation between the police forces, and an enhanced role of the Ministry of Security regarding policy and administrative matters. Intensive work on these issues has been a priority during this reporting period in close consultation between SIPA, the Ministry of Security, EUPM and the Office of the High Representative (the High Representative has also been appointed a European Union Special Representative and part of the EUPM chain of command). It is expected that substantial progress will have been made in this area by mid-2004. In terms of the rule of law, an executive SIPA would provide the missing link in the chain that includes the State Court and State Prosecutors that were established in 2003.

It became further apparent over the course of the last six months that the structure and size of the local police forces are financially and operationally inefficient. This will require further attention in 2004. In parallel, the European Commission delegation initiated — as part of a wider assessment of public administration — an audit on the police focusing, among other things, on the financial viability of the police structures.

[3] "Trafficking in Human Beings in South Eastern Europe", November 2003.

Challenges

The last three months of 2003 were dominated by the need to address inappropriate political interference in the police in the Federation of Bosnia and Herzegovina. On 29 October 2003, the High Representative/European Union Special Representative, Lord Ashdown, accompanied by the EUPM Police Head of Mission, called a press conference at which he drew attention to interference, in particular but not exclusively by the SDA (Party of Democratic Action), in the policing of three specific cantons as well as at the Federation level as the most worrying examples of political meddling. Engagement by the High Representative/European Union Special Representative and the Police Head of Mission with senior Bosnia and Herzegovina and Federation politicians helped to stem the problem and served as a timely reminder that political interference in the police would not be tolerated. It cannot be discounted that attempted meddling will re-emerge. EUPM remains vigilant on this score, and will continue to work towards the eradication of undue political influence or interference in policing.

Challenges to and attempts to overturn the IPTF certification process have continued. EUPM legal advisers have been constantly engaged in monitoring court cases where the IPTF certification process has been challenged by police officers who were denied certification. Some local courts rendered decisions declaring the dismissal of those former police officers null and void because the Ministry of the Interior did not apply domestic legislation. After careful consideration by the Department of Peacekeeping Operations of the United Nations Secretariat, the Office of the High Representative, the United Nations representative in Bosnia and Herzegovina and EUPM, it was agreed that United Nations Headquarters would examine the specifics before coming to a final assessment on how to deal with this important and urgent issue. It is of vital importance that this issue, which has the capacity to overturn progress and to widen to other areas (for example, the restructuring of the judiciary), is resolved without further delay.

Coordination with the authorities of Bosnia and Herzegovina

The relations of EUPM with the local police authorities have remained good, as witnessed in the successful functioning of the Bosnia and Herzegovina Police Steering Board. It has not met wilful obstruction across its co-locations and the police have, for the most part, responded positively and professionally to EUPM mentoring. A Bosnia and Herzegovina Police opinion survey, conducted by EUPM in October and November, showed that the local police have a good understanding of the EUPM mandate and that the Mission is well perceived. Public confidence in the rule of law is rising, albeit slowly. In this regard, it is important that high-level criminals be brought to justice quickly in order to demonstrate real, practical progress to the public and seriousness of purpose. It is interesting to note that those anonymous police officers surveyed saw political interference, material conditions (salaries, equipment and education) and needed modifications to local laws as the major obstacles to the successful implementation of the EUPM mandate.

Coordination at the State level has been hampered by the slow pace of the establishment of the Ministry of Security and SIPA. SBS continues to become more operationally effective. Relations were strained with the Federation Minister of the Interior owing to his attempted interference in the police, and to a lesser extent the Republika Srpska Minister of the Interior over the latter's attempt to award a

popular but unrealistic 20 per cent police pay rise. Extensive engagement and coordination with other international actors has, it is hoped, laid these issues to rest and will allow for greater coordination in 2004.

Liaison with the international community

Coordination between the Office of the High Representative and EUPM is exemplary and has ensured a common approach and stance on the major issues that span the rule of law. The High Representative/European Union Special Representative has provided valuable political support, especially on the issues of political interference, police reform and the certification process. Coordination is further reinforced through the Political Department and the rule of law pillar of the Office of the High Representative. EUPM and the Office of the High Representative participate with SIPA authorities in the management group to establish SIPA.

Liaison with the European Commission delegation, particularly in relation to the CARDS programme, remains close, as has EUPM liaison and cooperation with other international community actors involved in the funding and development of police related matters, such as embassies and the International Criminal Investigative Training Assistance Program.

Liaison with appropriate elements of the Stabilization Force (SFOR) has been particularly useful, especially in regard to issues such as major and organized crime, information flow, situational awareness and security. The Situational Awareness Groups, established by SFOR and EUPM in concert with OSCE, continue to work well and all agencies involved continue to further the timely passage of security and awareness information to the international community.

Outlook

EUPM will continue to consolidate its achievements and those of IPTF. It will continue the implementation of its core programmes through the local ownership of the Bosnia and Herzegovina Police Steering Board. It will be imperative that EUPM continues to tackle inappropriate political interference as this is often the main obstacle to the fulfilment of the programmes' objectives. The schedule for this implementation must remain on track, especially in Republika Srpska where it has tended to be slower. It is to be expected that the challenges to the certification process will continue in 2004.

The Mission priorities will remain, with special emphasis on the effective establishment of SIPA and the fight against organized crime. On this issue and that of police restructuring, EUPM will continue to work closely with the other international actors in order to continue to raise the standard of the rule of law in Bosnia and Herzegovina and the effectiveness of its police forces.

United Nations A/ES-10/256–S/2004/107

General Assembly
Security Council

Distr.: General
11 February 2004

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-ninth year

Identical letters dated 11 February 2004 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

While Israeli officials continue to make empty claims before the international community regarding Israel's alleged desire for peace, the actions of the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem, consistently and blatantly belie their words. Israel, the occupying Power, continues to launch military assaults against the Palestinian civilian population under its occupation, killing more people, including women and children, and causing more damage and destruction.

In the early dawn hours of today, the Israeli occupying forces, backed by tanks, raided the densely populated Shajaiya neighbourhood in Gaza City. At least 12 Palestinians were killed by the occupying forces during the military assault, including Hani Mahmoud Abu Skhaila, a Hamas leader, who had been previously targeted for assassination by the occupying forces. In addition, more than 50 people, including children, were wounded as a result of the assault, several of them critically. The occupying forces also blew up one of the houses in the area during the raid. Also today, the occupying forces shot and killed two Palestinian men in Rafah, bringing the total of casualties in this one day to at least 14 Palestinians.

That Israeli military assault on Gaza has been carried out on the heels of continuous raids and assaults that have been carried out by the occupying forces throughout the Occupied Palestinian Territory. In recent weeks, in particular, the occupying forces have launched several attacks in the Occupied Gaza Strip, including in densely populated civilian neighbourhoods in Gaza City, killing several civilians, including children and an ambulance medic. The Israeli occupying forces have also repeatedly invaded the Palestinian city of Nablus, carrying out house-to-house raids and searches, arresting Palestinian civilians and bulldozing homes. Indeed, the actions of Israel, the occupying Power, have ensured continued rise of

04-23854 (E) 120204

the toll of death and destruction throughout the Occupied Palestinian Territory. In that regard, I regret to inform you that, since our last letter to you, the Israeli occupying forces have killed at least 61 Palestinians. Also, on 14 January 2004, a British national, Thomas Peter Hurndall, who was wounded by the occupying forces on 4 November 2003, died of his wounds.

In addition to the killing and destruction, the occupying Power also persists in its imposition of stringent restrictions on the freedom of movement of persons and goods throughout the Occupied Palestinian Territory, continuing to severely affect the socio-economic conditions and the dire humanitarian situation on the ground. Moreover, the occupying Power continues to carry out innumerable illegal measures and practices in connection with its ongoing construction of the Wall in the Occupied Palestinian Territory, including in and around East Jerusalem. Palestinian land continues to be confiscated, agricultural land and properties continue to be destroyed, and thousands of Palestinian civilians continue to be obstructed from access to their lands, jobs, schools and health care facilities, and continue to be isolated from one another.

It is clear that through the continuation of such illegal, violent and oppressive actions and practices, Israel, the occupying Power, is assuring the continued rise of tensions, and mounting devastation and desperation throughout the Occupied Palestinian Territory, including East Jerusalem. As such, it is refueling the vicious cycle of violence, and undermining any other efforts to calm the situation on the ground and resume peace negotiations.

The present letter is in follow-up to our previous 179 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. Those letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 26 December 2003 (A/ES-10/255-S/2003/1206), constitute a basic record of the crimes committed by the Israeli occupying forces against the Palestinian people since September 2000. For all of those war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable, and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my profound regret to inform you that, since our last letter, at least 61 Palestinians, including children, have been killed by the Israeli occupying forces, raising the number of martyrs killed since September 2003 to 2,759 Palestinians. (The names of the martyrs that have been identified are contained in the annex to the present letter).

I would be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Somaia **Barghouti**
Chargé d'affaires, a.i.

Annex to the identical letters dated 11 February 2004 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem* (Saturday, 27 December 2003, to Wednesday, 11 February 2004)

Saturday, 27 December 2003

Rajae'i Azmi Rayan

Tuesday, 30 December 2003

Fadel Fawzi Al-Najjar

Friday, 2 January 2004

Mohammed Jaber Hasan Saeed (16 years old)

Saturday, 3 January 2004

1. Amjad Bilal Nabil Al-Masri (15 years old)
2. Amer Kazem Kamel Arafat (17 years old)
3. Rawhi Hazem Rawhi Shoman
4. Mohammed Quis Ismail Al-Masri
5. Mutasem Mohammed Abu Alhassan (17 years old)

Monday, 5 January 2004

1. Maher Taher Abbas Taber
2. Taj Alain Abdel Karim Sief (16 years old)

Wednesday, 7 January 2004

1. Abdelafou Nasouh Al-Qasas
2. Radwan Ibrahim Al-Attary
3. Hisham Ahmed Kharyouch

Thursday, 8 January 2004

1. Mahmoud Ibrahim Odeh Al-Kurd
2. Asaad Saleh Khalil Khileleh

* The total number of Palestinian martyrs killed by Israeli occupying forces since 28 September 2000 = 2,759.

Sunday, 11 January 2004

Fuad Kamel Amr Jarwan

Saturday, 17 January 2004

Mohammed Khamees Joumaa (17 years old)

Monday, 19 January 2004

Farid Khalil Abu Ismail

Wednesday, 21 January 2004

Mona Ahmed Ismail

Thursday, 22 January 2004

Mohsen Haidar Mohammed Al-Da'our (11 years old)

Saturday, 24 January 2004

1. Ahraf Nasr Abdallah Al-Mubayad
2. Samir Khalil Diab Al-Mubayad
3. Sa'deh Hussein Al-A'raj
4. Ziab Fawzi Jaber

Wednesday, 28 January 2004

1. Iyad Mahmoud Suliman Al-Ra'yi
2. Moussa Suliman Dalool
3. Ahmed Mohammed Ali Abu Rakab
4. Marwan Mahmoud Attiyeh Basal
5. Sameh Kamel To'tah (17 years old)
6. Othman Mahmoud Jundieh
7. Sami Mohammed Saleh Badawi (15 years old)
8. Akram Abdelkarim Abu Ajami (17 years old)

Friday, 30 January 2004

1. Mohammed Yussef Al-Ashqar
2. Mohammed Khalaf Al-Hosni
3. Jihad Mohammed Ismail Abu Ghalieh Al-Souwati

Sunday, 1 February 2004

1. Shady Riyad Mahmoud Milhem
2. Baha' Hatem Joudeh
3. Majdy Mahmoud Al-Khatib
4. Yasser Abdel Hamid Abu Aleish
5. Mohammed Mahmoud Abu Odeh

Thursday, 5 February 2004

1. Aziz Mahmoud Al-Shami
2. Tarek Majdy Al-Sousi (12 years old)

Sunday, 8 February 2004

1. Ashraf Abu Libdeh
2. Hassan Ali Rizqeh (17 years old)

Monday, 9 February 2004

1. Khalil Ibrahim Bouwadi
2. Ramy Slah Abu Mandil
3. Ahmed Mahdi Awad Amr

Wednesday, 11 February 2004

1. Mohammed Ahmed Hals (17 years old)
2. Mohammed Ayesh Al-Ajleh
3. Ahmed Kamal Ahmed Abu Ormaneh
4. Haytham Ribhi Abed
5. Hani Mahmoud Abu Skhaila
6. Ismail Mohamed Abu Alatta
7. Akram Akilan
8. Mahdi Yaqoub Zideyeh
9. Amer Mohamed Al-Ghamri
10. Ayman Nasr Al-Shiekh Khalil
11. Ashraf Farouk Hassanein
12. Mohammed Jihad Al-Hayek
13. Mohammed Zahran Tantawi
14. Ibrahim Mohammed Za'rab

United Nations S/2004/108

Security Council

Distr.: General
11 February 2004

Original: English

Letter dated 11 February 2004 from the Permanent Representative of Portugal to the United Nations addressed to the President of the Security Council

I have the honour to attach a letter on Timor-Leste, dated 2 February 2004, sent by Jorge Sampaio, President of the Republic of Portugal, to the Secretary-General.

We kindly request that the present letter and its annex be circulated as a document of the Security Council.

(*Signed*) Gonçalo **Santa-Clara Gomes**
Ambassador
Permanent Representative of Portugal
to the United Nations

04-23912 (E) 120204

Annex to the letter dated 11 February 2004 from the Permanent Representative of Portugal to the United Nations addressed to the President of the Security Council

I am writing to you concerning East Timor, an issue we have had the occasion to discuss several times during recent years, both before and after East Timor independence. I especially recall our conversation in New York last September, when we discussed the United Nations presence in the country.

East Timor has been a remarkable success story for the United Nations. The work that the United Nations has been undertaking in East Timor in recent years, as well as your personal commitment to this issue, should be commended by us all. However, it is my understanding that our collective task has yet to be completed.

In spite of the impressive progress achieved by East Timor, in such a short period of time, substantial engagement and support of the international community will still be needed to ensure stability and security in the new State.

We share the assessment of the East Timorese Government concerning its own limitations in coping with internal and external security problems. This was brought to my attention by Timorese political leaders and was conveyed in Dili to the recent United Nations evaluation mission. In fact, threats to the internal stability of East Timor can be expected to continue beyond May 2004, and we do know that Timorese defence and security forces are still quite vulnerable and clearly are not able to respond effectively to any major disturbance. In our view, even relatively low levels of destabilization could have a significant impact on and consequences for stability in East Timor.

In this regard, we believe it is important that the international community, in particular the Security Council, maintain its interest and engagement in this country, providing the necessary sense of continuity until East Timor can manage those threats by itself.

Under these circumstances, both the Portuguese Government and I strongly favour that the post-UNMISET United Nations presence in East Timor continue to include a military force. Like the Timorese authorities, we are convinced that one international battalion will still be needed to maintain a sufficient deterrent. We would be available to participate in this common effort.

I am confident that an expression of your opinion favouring the inclusion of a military component in the future United Nations presence in East Timor would be duly weighed by the members of the Security Council.

United Nations S/2004/109

Security Council

Distr.: General
11 February 2004

Original: English

Letter dated 6 February 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the outcome of talks between the Government of Burundi and the FNL, held in the Netherlands, issued by the Presidency on behalf of the European Union (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland
to the United Nations

04-23918 (E) 130204

Annex to the letter dated 6 February 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on the outcome of talks between the Government of Burundi and the FNL, held in the Netherlands, issued on 27 January 2004 by the Presidency of the European Union

The European Union welcomes the outcome of the talks between the delegation led by the President of Burundi, Domitien Ndayizeye, and the delegation of the FNL, led by Ibrahim Ntakirutimana, held in the Netherlands from 18-21 January 2004 and which were facilitated by the Government of the Netherlands.

The European Union is pleased that the talks took place in a constructive and cordial atmosphere and resulted in a recognition of the need to end violence in Burundi and a willingness to continue the dialogue, with a view to reaching ultimate agreement and inclusion of the FNL in the Burundian State institutions.

The European Union equally welcomes the proposed establishment of an International Commission of Enquiry into the tragic murder of the Apostolic Nuncio to Burundi, Mgr Michael Courtney, on 29 December 2003.

The European Union urges both sides to continue to seek a peaceful solution to the conflict and reiterates its willingness to assist them in their efforts. It is important that the proposed follow-up meeting between President Ndayizeye and the FNL take place at the earliest opportunity.

The European Union calls upon the Government of Burundi and the FNL to cease all hostilities with immediate effect and urges the Government of Burundi and the FNL to conclude a ceasefire agreement as soon as possible, as immediate confidence-building measures in the interest of the Burundian population.

The European Union also reconfirms its readiness to support actively Burundi in its reconstruction efforts, which remain severely hampered by the ongoing violence in the absence of an all-inclusive peace agreement.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the candidate countries Bulgaria, Romania and Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Serbia and Montenegro, and the EFTA countries members of the European Economic Area align themselves with this statement.

United Nations S/2004/110

Security Council

Distr.: General
11 February 2004

Original: English

Letter dated 6 February 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on proposals for constitutional change in Ukraine, issued on 27 January 2004 by the Presidency on behalf of the European Union (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland to the United Nations

04-23956 (E) 130204

Annex to the letter dated 6 February 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on proposals for constitutional change in Ukraine issued on 27 January 2004 by the Presidency on behalf of the European Union

In the context of the run-up to Presidential elections in Ukraine, the European Union expresses its deep concern about the events which occurred on 24 December 2003 in the Ukrainian Parliament (Verkhovna Rada) in relation to the first reading of a set of major constitutional amendments.

While the European Union acknowledges Ukraine's sovereign right to modify its institutional framework within the procedures laid down by its constitution, it is concerned that, under present political circumstances, the proposals for constitutional change will have an adverse impact on the trust and confidence of voters in relation to representative democracy in Ukraine, particularly in this election year. The legitimacy of constitutional change should be derived from genuine public support for its aims.

The European Union, which wishes to develop its relationship with Ukraine, will follow closely developments in this matter at the upcoming (fifth) session of the Verkhovna Rada.

As the European Union clearly underlined at the EU-Ukraine Summit in Yalta on 7 October 2003, the European Union believes that it is essential that the Presidential elections be conducted in a manner which is genuinely free, fair and transparent. In this context, the European Union believes that any debate on constitutional changes aimed at changing the procedures to elect the President should take place separately from the elections.

The European Union encourages Ukraine to respond positively to the offer of the European Commission for Democracy through Law (Venice Commission) for further cooperation in the field of constitutional reform.

The Union will carefully observe the conditions in which the Presidential electoral campaign is held and the manner in which the election itself is conducted.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the candidate countries Bulgaria and Romania, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.

United Nations S/2004/110*

Security Council

Distr.: General
19 February 2004

Original: English

Letter dated 6 February 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on proposals for constitutional change in Ukraine, issued on 27 January 2004 by the Presidency on behalf of the European Union (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland to the United Nations

* Reissued for technical reasons.

04-23956* (E) 200204

Annex to the letter dated 6 February 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on proposals for constitutional change in Ukraine issued on 27 January 2004 by the Presidency on behalf of the European Union

In the context of the run-up to Presidential elections in Ukraine, the European Union expresses its deep concern about the events which occurred on 24 December 2003 in the Ukrainian Parliament (Verkhovna Rada) in relation to the first reading of a set of major constitutional amendments.

While the European Union acknowledges Ukraine's sovereign right to modify its institutional framework within the procedures laid down by its constitution, it is concerned that, under present political circumstances, the proposals for constitutional change will have an adverse impact on the trust and confidence of voters in relation to representative democracy in Ukraine, particularly in this election year. The legitimacy of constitutional change should be derived from genuine public support for its aims.

The European Union, which wishes to develop its relationship with Ukraine, will follow closely developments in this matter at the upcoming (fifth) session of the Verkhovna Rada.

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The European Union encourages Ukraine to respond positively to the offer of the European Commission for Democracy through Law (Venice Commission) for further cooperation in the field of constitutional reform.

The Union will carefully observe the conditions in which the Presidential electoral campaign is held and the manner in which the election itself is conducted.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the candidate countries Bulgaria and Romania, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro and the former Yugoslav Republic of Macedonia, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.

United Nations S/2004/111

Security Council

Distr.: General
12 February 2004

Original: English

Letter dated 6 February 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the establishment of the National Council for Human Rights in Egypt, issued on 28 January 2004 by the Presidency on behalf of the European Union (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland
to the United Nations

04-24022 (E) 130204

Annex to the letter dated 6 February 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on the establishment of the National Council for Human Rights in Egypt issued on 28 January 2004 by the Presidency on behalf of the European Union

The European Union wishes to welcome the nomination by the Shura Council of the Parliament of the Arab Republic of Egypt of the members of the National Council for Human Rights and the appointment of the former Secretary-General of the United Nations, Boutros Boutros Ghali, to the Chairmanship of the National Council, thus paving the way for the actual implementation of the law deciding to establish such an institution.

The European Union also takes this opportunity to congratulate Boutros Boutros Ghali on his appointment to this important National Council for Human Rights and to wish him every success in his new office.

The Union welcomes the formation of the Council as a concrete demonstration by Egypt of its willingness to promote and protect human rights and is convinced that the independence and the high qualification of its members will contribute to the credibility of Egypt's human rights policy.

The European Union and Egypt have embarked on a comprehensive dialogue, set out in the soon to be ratified Association Agreement, on all issues that are important to both parties. In the spirit of that dialogue the European Union wishes to indicate its readiness to cooperate fully with Boutros Boutros Ghali and his colleagues and to assist, in the most appropriate and effective manner, in promoting the important aims and objectives entrusted to them by the Parliament of the Arab Republic of Egypt.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the candidate countries Bulgaria, Romania and Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro and the former Yugoslav Republic of Macedonia, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.

United Nations S/2004/112

Security Council

Distr.: General
12 February 2004

Original: English

Letter dated 6 February 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the National Reconciliation Conference in Somalia, issued on 30 January 2004 by the Presidency on behalf of the European Union (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland
to the United Nations

04-24028 (E) 130204

Annex to the letter dated 6 February 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on the National Reconciliation Conference in Somalia issued on 30 January 2004 by the Presidency on behalf of the European Union

The European Union welcomes the agreement signed on 29 January 2004 by all parties taking part in the "ten days consultation period" in Nairobi on outstanding issues concerning the Transitional Institutions for Somalia. Such agreement paves the way for moving to the third and final phase of the Conference, thus opening a window of opportunity to be seized upon without hesitation.

The European Union commends the efforts of Somali leaders to attain this fundamental outcome by overcoming their differences, and calls upon them to ensure that the same spirit of positive cooperation prevails during the third and final phase of the Conference, and that a comprehensive and all-inclusive solution is found to the long-lasting crisis in Somalia.

The European Union reiterates its full and continuing support to the IGAD-sponsored national reconciliation process, to which there is no alternative for the restoration of effective government, peace and stability in Somalia, and commends all IGAD member States for bringing about real progress within the process. In particular, the European Union praises the successful efforts of the current Chairman of IGAD, President Yoweri Museveni, the sustained engagement of President Mwai Kibaki and the tireless endeavours of the Minister for Foreign Affairs of Kenya, Stephen Musyoka, and the Presidency of the IGAD Facilitation Committee, as well as the continued presence of the Minister for Foreign Affairs of Djibouti, Ali Abdi Farah. The European Union calls upon members of the IGAD Facilitation Committee to further their joint efforts and to assist in the successful conclusion of the final phase of the Conference.

The European Union stands ready to provide financial and technical support to a provisional all-inclusive, broad-based Government for Somalia.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the candidate countries Bulgaria, Romania and Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro, the former Yugoslav Republic of Macedonia, and the EFTA countries members of the European Economic Area align themselves with this statement.

United Nations S/2004/113

Security Council

Distr.: General
12 February 2004

Original: English

Letter dated 6 February 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on Libya's accession to the Chemical Weapons Convention, issued on 5 February 2004 by the Presidency on behalf of the European Union (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland to the United Nations

04-24092 (E) 170204

Annex to the letter dated 6 February 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on Libya's accession to the Chemical Weapons Convention issued on 5 February 2004 by the Presidency on behalf of the European Union

The European Union recalls the statement made by the Italian Presidency on 20 December 2003 concerning the Declaration on Weapons of Mass Destruction made by Abdulrahman Shalgam, Foreign Minister of the Great Socialist People's Libyan Arab Jamahiriya, on behalf of Colonel Qadhafi, on 19 December 2003.

The European Union welcomes the steps taken since then, in particular the recent ratification by Libya of the Comprehensive Test-Ban Treaty and its accession to the Chemical Weapons Convention, and looks forward to prompt and full implementation by Libya of these fundamental international instruments.

The European Union looks forward to Libya signing, ratifying and implementing an Additional Protocol to its Safeguards Agreement with the International Atomic Energy Agency. Such a step will further corroborate Libya's intention to comply fully with the existing legal framework on non-proliferation.

The European Union, in accordance with its recently adopted Strategy on the Non-Proliferation of Weapons of Mass Destruction and Their Means of Delivery, supports the universalization and strengthening of the multilateral treaties and agreements in the field of disarmament and non-proliferation and would encourage other States which have not yet done so to adhere to these instruments.

The European Union firmly believes that Libya can play a pivotal role in encouraging other countries, particularly those in the same region, to follow its example and join international efforts to promote disarmament and non-proliferation of weapons of mass destruction.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the candidate countries Bulgaria, Romania and Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro and the former Yugoslav Republic of Macedonia, and the EFTA countries Iceland and Norway, members of the European Economic Area, align themselves with this statement.

United Nations S/2004/114

Security Council

Distr.: General
12 February 2004

Original: English

Letter dated 12 February 2004 from the Permanent Representative of Timor-Leste to the United Nations addressed to the Secretary-General

I have the honour to forward the attached letter dated 2 February 2004 from the Prime Minister of the Democratic Republic of Timor-Leste, Mari Alkatiri. I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) José Luis **Guterres**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative

04-23974 (E) 120204

Annex to the letter dated 12 February 2004 from the Permanent Representative of Timor-Leste to the United Nations addressed to the Secretary-General

It is a widely lauded consensus that Timor-Leste is a case of success. However, its institutions are still in the process of consolidation, which is one of the most important priorities of this country. I'm sure you would agree that a stable environment is a precondition to the consolidation and establishment of our institutions.

Our current forces, although having learned and achieved much, thanks to United Nations training and support, are still not ready to deal independently with our internal tensions (there are 27,000 East Timorese refugees in Indonesia), the general volatility of a nascent country and the general volatility in our region. We are therefore deeply convinced that it is necessary to extend the presence of a United Nations battalion of peacekeeping forces in Timor-Leste beyond May 2004.

Owing to our rugged terrain, limited mobility and the fragility of a new democracy, I believe that at least a battalion-sized military force, backed by helicopters, would be needed.

I would like to thank you for the support of the United Nations and your own commitment and involvement, and reaffirm to you our commitment and willingness to continue cooperating with the United Nations in order to defend the universal values of democracy and human rights.

(*Signed*) Mari **Alkatiri**
Prime Minister

United Nations S/2004/115

Security Council

Distr.: General
12 February 2004

Original: English

Report of the Secretary-General on the situation in Somalia

I. Introduction

1. In its presidential statement of 31 October 2001 (S/PRST/2001/30), the Security Council requested me to submit reports, at least every four months, on the situation in Somalia and the efforts to promote the peace process.

2. The present report covers developments since my previous report, dated 13 October 2003 (S/2003/987). Its main focus is the challenges faced and the progress made by the Somali national reconciliation process, which has been ongoing in Kenya since October 2002 under the auspices of the Intergovernmental Authority on Development (IGAD), with support from the international community. The report also provides an update on the political and security situation in Somalia and the humanitarian and development activities of United Nations programmes and agencies in the country.

II. Somali national reconciliation process

3. By mid-September 2003, developments at the Somalia National Reconciliation Conference at Mbagathi, Kenya, led to an impasse over the contested adoption of a charter (see S/2003/987, paras. 13-18). Some of the leaders, including the President of the Transitional National Government, Abdikassim Salad Hassan, Colonel Barre Aden Shire of the Juba Valley Alliance (JVA), Mohamed Ibrahim Habsade of the Rahanwein Resistance Army (RRA), Osman Hassan Ali ("Atto") and Musse Sudi ("Yalahow") rejected the adoption, and returned to Somalia. On 30 September, a group of them announced the formation of the National Salvation Council consisting of 12 factions under the chairmanship of Musse Sudi. On 7 October, the National Salvation Council signed a memorandum of understanding with the President of the Transitional National Government, in which it acknowledged the continuance in office of the Transitional National Government. The signatories also announced their intention to convene a new national reconciliation conference separate from the one at Mbagathi. No parallel conference has been held, however.

4. At the tenth IGAD Summit, held at Kampala on 24 October under the chairmanship of the President of Uganda, Yoweri Museveni, the heads of State focused attention on ways and means to get the Somali national reconciliation process back on track. The President of Mozambique, Joachim Chissano, Chairman of the African Union, and Alpha Konaré, Chairperson of the Commission of the

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African Union, also participated in the Summit. My Special Adviser, Mohamed Sahnoun, accompanied by my Representative for Somalia, Winston Tubman, collaborated actively with IGAD leaders in efforts to re-energize the stalled reconciliation process.

5. The IGAD heads of State decided to expand the membership of the IGAD Technical Committee to include Eritrea, the Sudan and Uganda, in addition to Djibouti, Ethiopia and Kenya, and renamed it the IGAD Facilitation Committee. The Special Envoy of the African Union for Somalia was made a member of the Facilitation Committee. The Summit directed the Facilitation Committee to meet in Nairobi at the ministerial level on 28 October to review the status of the Somali national reconciliation process.

6. The ministerial meeting, chaired by the Minister for Foreign Affairs of Kenya, was held in Nairobi as scheduled and was attended by ministers from Djibouti, Eritrea and Uganda as well as Ethiopian officials. The ministers agreed that Somali leaders would be invited to a Leaders' Consultation in Kenya on 20 November and that phase III of the Conference would commence only after the successful conclusion of the Leaders' Consultation.

7. The Transitional National Government and the National Salvation Council raised several objections to the proposed Leaders' Consultation. The main objection centred on the issue of representation. The group of leaders who had endorsed the adoption of a charter in mid-September wanted the Consultation to be held as scheduled and the participants limited to Abdikassim Salad Hassan and those leaders who had signed the Eldoret Declaration (S/2002/1359, annex) on 27 October 2002. On the other hand, the Transitional National Government and National Salvation Council groups wanted a larger representation of leaders and the exclusion of the former Prime Minister of the Transitional National Government and the Speaker of Transitional National Assembly (see S/2003/987, para. 9). In addition, both groups called for the postponement of the Leaders' Consultation to observe the final days of Ramadan.

8. The Minister for Foreign Affairs of Kenya, accompanied by the Kenyan Special Envoy for Somalia and Chairman of the Conference, Bethuel Kiplagat, held talks with officials in Djibouti, Ethiopia and Saudi Arabia in November to seek support for the Somali national reconciliation process.

9. The Under-Secretary-General for Political Affairs, Kieran Prendergast, visited eastern regions and the Horn of Africa from 7 to 16 November. Following in-depth briefings by my Special Adviser and my Representative for Somalia, he held discussions with a wide spectrum of Somali leaders, the Minister for Foreign Affairs of Kenya, Mr. Kiplagat, and members of the IGAD Facilitation Committee, the Executive Committee of the Somalia Aid Coordination Body, the United Nations country team for Somalia and other external actors to assess the current status and prospects for national reconciliation in Somalia, as well as planning for a future United Nations role in the country.

10. At its second meeting on 8 December, the Facilitation Committee was obliged once again to postpone the Leaders' Consultation until 18 December. In a joint communiqué, the Ministers stressed that any invited Somali leader who did not attend the meeting "shall be deemed not to be interested in the reconciliation process and will be treated as such". In view of the continuing impasse, the Minister for

Foreign Affairs of Kenya, after consultations with President Museveni, had to postpone the Leaders' Consultation for a third time, until 9 January 2004.

11. International observers at the Conference, including my Representative, engaged with all Somali stakeholders, in groups as well as individually, in efforts to reconcile divergent positions. On 4 December, the Special Envoy of the African Union led a delegation that included Kenyan, Ugandan, Swedish and United Kingdom representatives to meet with representatives of the Transitional National Government and the National Salvation Council in Mogadishu in order to persuade them to participate in the Leaders' Consultation in Nairobi. Likewise, on 12 December, international observers held a meeting with Somali leaders of opposing views in Nairobi and urged them to adopt a cooperative attitude that would ensure the participation of all Somali leaders in the Leaders' Consultation.

12. After discussions with Somali leaders in Nairobi on 8 and 9 January, President Museveni and the President of Kenya, Mwai Kibaki, launched the Somali Leaders' Consultation in Nairobi on 9 January. The former appealed to Somali leaders to reach the necessary compromises and agreement on a permanent peace in the country, the formation of a national army, the restoration of Somali sovereignty and the recovery of the economy.

13. On 29 January, the Somali leaders signed a document entitled "Declaration on the Harmonization of Various Issues Proposed by the Somali Delegates at the Somali Consultative Meetings from 9 to 29 January 2004". The document consisted of proposed amendments to the transitional federal charter adopted at the plenary meeting of the Conference on 15 September 2003. The leaders decided that the name of the charter would be transitional federal charter of the Somali republic; the name of the government would be transitional federal government; its term would last five years; and that the transitional federal parliament would consist of 275 members, 12 per cent of whom would be women. In addition, the document called for a national census to be undertaken while a new constitution was being drafted, as well as for its approval by an internationally supervised national referendum. A controversy subsequently arose, however, over the method of selection of the members of parliament, and efforts are being made to overcome the problem.

14. Regarding the financing of the Conference, the IGAD facilitation announced a severe financial crisis and renewed its appeal to donors for additional funding in December. The facilitation estimated that costs for the Conference from February 2003 to January 2004 would amount to €11 million. While donors are reported to have pledged €5 million, the Conference was considered to be carrying a deficit of €5.9 million (54 per cent) by December 2003.

15. It is noteworthy that the budget of the Conference had supported the expenses of approximately 800 Somalis at Mbagathi until November 2003. In view of the impasse in the proceedings and the precarious financial situation, the IGAD facilitation began a vigorous repatriation of many of the Somalis, with the exception of the 366 accredited delegates for phase II of the Conference and 45 Somali elders.

16. Meanwhile, Italy announced a further contribution of $500,000. The United Kingdom of Great Britain and Northern Ireland, Sweden and the League of Arab States contributed $100,000, $50,000 and $75,000 respectively. The European Commission remains the major contributor to the Conference.

17. On 19 October, Sheikh Ibrahim Ali, a delegate at the Conference, his driver and another person were found murdered in the Ngong forest in Nairobi. Another delegate, Ahmed Rashid Sheik Mohamed, a Somali Canadian, was found dead in Mbagathi on 6 November. While the death of the latter is considered to be from natural causes, the Kenyan authorities are conducting an investigation into the first incident.

III. Developments inside Somalia

18. Subsequent to the removal of Hassan Abshir Farah and Abdalla Deerow Issak as Prime Minister and Speaker of the Transitional National Assembly, respectively (see S/2003/987, para. 9), Mustafa Gududow was elected as the new Speaker on 4 December. Abdikassim Salad Hassan appointed Mohamed Abdi Yussuf as the new Prime Minister of the Transitional National Government on 8 December. The latter has since appointed a cabinet of 37 ministers.

19. Abdikassim Salad Hassan and members of the National Salvation Council held talks with officials in Djibouti, the Libyan Arab Jamahiriya, Saudi Arabia and Yemen from 13 to19 November, reportedly to seek political and financial support for the holding of a reconciliation conference in Somalia. Reports also indicate that the Presidents of Djibouti and the Libyan Arab Jamahiriya encouraged the Somali leaders to return to the IGAD-led Somali national reconciliation process.

20. Abdikassim Salad Hassan participated in the Organization of Islamic Conference Summit, held in Kuala Lumpur from 16 to 18 October. He also attended the tenth Summit of the IGAD heads of State held in Kampala on 24 October.

21. On 21 December, the "Somaliland" Parliament adopted a resolution, asserting "Somaliland's" authority over the Sool and Sanaag regions, which are also claimed by "Puntland". In a letter dated 22 December, addressed to the United Nations Political Office for Somalia, the "Puntland" administration stated that it would not fail to use all means at its disposal to defend the security and territorial integrity of "Puntland". On 27 December, forces loyal to the "Puntland" administration assumed control of Las-Anod district in Sool region. "Somaliland" considers its borders to be those of the former British Somaliland Protectorate, which included the two regions. "Puntland's" claim is based on the fact that the clans living in those regions are mostly Darod, the dominant group in "Puntland".

22. In view of the escalation of tension between the two administrations, the Kenyan Foreign Minister issued a statement on 19 January 2004 on behalf of the IGAD Facilitation Committee, calling on both parties to exercise maximum restraint.

23. I also called on the parties to refrain from the use of force. I urged them to seek a solution through political dialogue and reminded them of their responsibility to protect the civilian population and ensure unimpeded access for humanitarian assistance in their respective areas. I reiterated my call to all Somali parties to reach agreement on national reconciliation that would put an end to the fighting and bloodshed in the country.

IV. Security

24. During the period under review, breaches in security in "Somaliland", an area hitherto enjoying relative peace, have caused serious concern. On 5 October, Dr. Annalena Tonelli, an Italian, was shot dead at close range on the grounds of a tuberculosis treatment centre that she had founded in Boorama. Earlier, she had dedicated several years to medical work in Marka and the Lower Shabelle region. On 20 October, Richard and Enid Eyeington, a couple from the United Kingdom, who had been teaching at Sheikh Secondary School as employees of the non-governmental organization SOS Kinderdorf, were murdered in their home in Sheikh. Investigations by the "Somaliland" authorities are ongoing regarding both incidents. On 2 November, staff of an international non-governmental organization received a letter threatening them with violence, forcing the organization to remove international staff from Hargeysa.

25. On 9 December, the commander of the Hargeysa police traffic division was murdered outside his home. The motive for the attack was reportedly related to the officer's role in the investigation of a traffic accident in which one of his clansmen had been involved.

26. There has been sporadic inter-clan fighting between Murusade and Duduble in El-Bur district of Galguduud and between members of the Dir and the Marehan in the Heraale area of the Mudug region. On 27 October, a man from the Dir clan reportedly killed a Marehan clan member in revenge for the killing of his father in 1992. This murder degenerated into inter-clan fighting in Heraale village, in Abudwaaq district. The clashes have continued intermittently and have transformed the dispute into a fight for the control of grazing lands and water in Heraale.

27. In Mogadishu, crime remains a major problem and the threat of kidnapping and direct attacks on United Nations and other humanitarian workers remains high. The city has often been tense because clans controlling different parts of the city are loyal to rival groups involved in the Somali national reconciliation process. Tensions in the reconciliation process have occasionally led to conflict in the city, although these have not escalated into major confrontations.

28. Tensions between Mohamed Dhere and Musse Sudi, both from different sub-clans of the Hawiye/Abgal, have continued. On 22 December, Mohamed Dhere's militia attacked a convoy carrying Musse Sudi and other prominent Abgal politicians in north Mogadishu because it was travelling without permission through an area under the control of his sub-clan.

29. Early in November, the arrival of some 15 "technicals" from Mogadishu to areas near Marka in Lower Shabelle signalled rising tensions over competition to extort taxes from banana traders. On 14 November, the fighting pitted the Ayr against the Saad, both sub-clans of the Hawiye/Habr-Gedir. Many people were killed and wounded before a ceasefire was arranged by elders on 27 November. The fighting placed the lives of non-governmental organization staff in Marka at risk, especially when an airstrip that had been declared unsafe had to be used for their evacuation.

30. The intra-clan fighting that resulted from political differences among three leaders of RRA has continued in and around Baidoa. Two of them, Colonel Hassan Mohamed Nur "Shatigudud" and one of his former deputies, Sheik Aden Mohamed

Nur "Madobe", agreed to a ceasefire in September 2003. However, the situation worsened when, on 18 October, eight women were sprayed with bullets and killed as they fetched water at a water hole in the Gofmarere area of Bay region. Some 300 Rahanwein elders have assembled in Wajid with a view to holding reconciliation talks. Since the reconciliation efforts started, the clashes have diminished in intensity in the Bay and Bakool regions.

31. Although Gedo region has been generally quiet, no clear authority has emerged and many of the clans are embroiled in disputes, resulting in occasional killings. El-Wak has been under the joint administration of the Garre and Marehan clans. In December, Garre militia wrested control of El-Wak from the Marehan. This conflict, together with the lack of any clear authority in the region, makes access by humanitarian agencies difficult.

32. Further south, in the Lower Juba region, JVA is reportedly holding a Republic of Korea fishing boat and its crew in Kismaayo port, apparently for failing to pay fishing dues. The crew includes nationals of Kenya, Indonesia and the Republic of Korea. The ship was apparently detained in June, first off the coast and then in Kismaayo port. JVA, which controls Kismaayo, has in turn been challenged by militias in Jilib who regularly set up checkpoints to extort money from travellers on the Kismaayo-Mogadishu road. Humanitarian operations in Kismaayo have been interrupted by numerous incidents of banditry and occasional fighting.

33. There have also been a number of violent incidents in other parts of the Lower Juba region. In Mararey, gunmen demanding money held up an aircraft leased by the European Commission Humanitarian Organisation (ECHO) on 12 November. The incident was resolved following the intervention of local clan elders. On 28 December, gunmen raided the offices of a local non-governmental organization in Mararey, leaving four men dead (one international staff member, two national staff and one visitor) and two more wounded.

V. Humanitarian situation

34. The confidence of the international humanitarian community was severely shaken by the murder of the three humanitarian workers in "Somaliland" (see para. 24). Travel restrictions for staff have been put in place and most humanitarian activities have been reduced. Until investigations by the authorities reveal more information, United Nations international staff are restricted to Hargeysa as a precautionary measure, where the authorities are providing security for United Nations facilities.

35. In September, the "Somaliland" administration issued a directive for the deportation of "illegal immigrants" in areas under its control. Internally displaced persons from southern Somalia are also classified as illegal immigrants. Although the "Ministry of the Interior" is registering internally displaced persons who want to return to their areas of origin, the deadline has now passed without any obvious expulsions. The United Nations has registered its concern with the authorities and has stressed that the forced expulsion of asylum-seekers would be in contravention of international law.

36. Four years of drought in northern Somalia have created an acute humanitarian crisis in the northern Sool plateau, while poor rainfall in the surrounding areas could expand the affected area to the northern and central regions of Togdheer and Mudug.

37. As a result of the failure of the *deyr* season rains (September-October) in the Sool, Sanaag and Bari regions, more than 90,000 pastoralists are facing serious food shortages and the loss of livestock, pasture and food. A joint United Nations/non-governmental organization assessment of the affected area in October found that roughly 60 per cent of livestock, especially camels, had been decimated by starvation and disease, further impoverishing pastoralist families who are heavily dependent on the sale of animals and milk for income. The remaining livestock is in too poor a condition to be sold. About 3,000 families have already abandoned their livestock to move to areas with permanent water sources and to a lesser extent to urban centres, such as Las-Anod and Garoowe.

38. United Nations agencies, non-governmental organizations and local authorities have responded by providing limited health services, distributing targeted family rations, subsidizing water distribution, rehabilitating existing water sources, and providing emergency cash grants. Interventions to support the remaining livestock and longer-term livelihood support programmes (mainly cash-for-work) are currently being planned.

39. Assurances of safe access to the contested areas of the Sool and Sanaag regions by both the "Somaliland" and "Puntland" administrations have so far been respected. However, heightened tension over Las-Anod (see paras. 21-23) is already causing delays and could further undermine the humanitarian response, should the situation worsen. The United Nations Humanitarian Coordinator is taking steps to bring the two administrations together in an effort to ensure that open conflict is averted and humanitarian access is maintained. Should armed conflict occur or drought conditions widen, additional urgent donor support may be required.

40. Intense inter-clan fighting in the central region of Galguduud, in Abudwaaq and Murusade districts (see para. 26), forced some 9,000 people to flee to surrounding towns whose inhabitants are themselves suffering from food insecurity because of drought conditions. The tense security situation continues to prevent adequate interventions. So far, the International Committee of the Red Cross has provided limited health support and non-food items. UNICEF is exploring the possibility of working through local partners to provide assistance. The United Nations and non-governmental organizations continue to monitor the situation with the aim of expanding humanitarian assistance once the security situation improves.

41. In southern Somalia, where livelihoods revolve around farming and agro-pastoralism, relatively good rains, ranging from 80 to 120 per cent of normal, are likely to maintain good crop and livestock production. Violence and armed conflict throughout much of southern and central Somalia continue to hamper access and humanitarian programming, however. During the current reporting period, localized conflict and the attempts of freelance militia to control airport revenues led to the temporary closure of airstrips in the villages and towns of Afmadow, Mararey, Jamaame, Kismaayo and Beledweyne, as well as at the K-50 airstrip outside Mogadishu. Despite the humanitarian needs in Mogadishu, ongoing criminality and violence continue to restrict access and humanitarian activities.

42. In recent weeks, the tenuous ceasefire between RRA factions (see para. 30) allowed humanitarian access to more than 2,000 internally displaced persons who had fled to the villages of Bakaar Yar and Bakaar Weyn in Wajid district to escape the fighting. They are living in camps with little access to basic social services. United Nations agencies and non-governmental organizations are currently addressing their needs. They are also exploring ways to support the ongoing reconciliation efforts to ensure that access to these internally displaced persons is sustained.

43. As at 1 February 2004, less than 1 per cent of the $113 million requested in the 2004 Consolidated Inter-Agency Appeal for Somalia has been received. Of the $78 million requested in the 2003 appeal, 61 per cent was funded by donors.

VI. Operational activities in support of peace

44. The World Bank and the United Nations Development Programme announced the launching of the Socio-Economic Survey on Somalia on 14 January 2004 in Nairobi. The two organizations are jointly implementing a programme to set up data collection systems, strengthen Somali statistical institutions and support the establishment of a statistical database to monitor macroeconomic and socio-economic conditions. It is being implemented with the support and participation of regional and local administrations and international partners. The Survey compiles baseline demographic and socio-economic data at the household level to address some of the critical needs and gaps in the social and economic sectors and for better policy formulation and planning. It will cover the areas of (a) demographics and housing; (b) employment and income; (c) basic services; (d) communication; (e) participation of women; and (f) environmental concerns.

45. The United Nations is assisting local authorities in "Somaliland" to improve the administration of justice by supporting the establishment of the rule of law, local capacity-building for law enforcement agencies and improving the application of human rights standards. The training session for members of the judiciary, which began in the last reporting period (see S/2003/987, para. 50), was completed on 21 November and provided training for 50 legal professionals in substantive law and procedure fundamental to the functioning of the judiciary. An evaluation of the training has been undertaken with the purpose of further developing the curriculum in time for the second phase of training.

46. During the current reporting period, the United Nations supported and assisted the establishment of a functional police headquarters at Hargeysa, the graduation of 130 cadets from the Mandera Police Academy, the training of judiciary and the establishment of a legal clinic at Hargeysa University.

47. The United Nations has begun the distribution of a comprehensive countrywide child protection study that was completed during the last reporting period (see S/2003/987, para. 56). The study was based on interviews with 10,000 children and adults across Somalia. Some of the study's most salient findings were that one in 20 children interviewed had been involved or had siblings involved in militia activity, mainly in the urban areas. The data revealed that extended families made little distinction between natural and adopted children. However, adopted girls are often not sent to school and married young. Street children are exposed to violence and drug abuse in urban centres. Over 8 per cent of families reported

children with developmental problems, one third of them as a consequence of trauma. All statistics were significantly higher for children and families in settlement camps for internally displaced persons.

48. The findings of the study will enable agencies to establish a clear knowledge base on the main areas of concern regarding the protection of vulnerable children in Somalia. The participatory data collection process and analysis of results also allowed agencies to build partnerships at the community level with principal child protection stakeholders. The United Nations will undertake advocacy and awareness-raising efforts on sensitive issues such as sexual violence and abuse, the protection of internally displaced children, the recruitment of child soldiers and the protection of children without primary caregivers. During the reporting period, all parties to the conflict in Somalia continued to recruit children into their forces, as outlined in my report on children and armed conflict (S/2003/1053).

49. A new UNICEF initiative being undertaken is helping youth to maximize their leadership and organizational skills. The project focuses on youth broadcasting as a way of empowering young people in the use of electronic media for community education and mobilization. During 2003, 20 youth groups with a total of 400 members were trained in techniques for producing and broadcasting radio programmes and videos. The pilot phase of the initiative was completed in December and more than 12 radio programmes and 20 videos were produced. This project has proved very successful in tapping the potential of a cadre of young Somalis who have a keen interest in pursuing peace-building and peace-fostering activities within their communities.

50. The outcome of a United Nations study on the multiple parallel legal systems, which are inherently discriminatory against women and inhibit women's access to justice, has deepened analysis and knowledge of the subject (see S/2003/987, paras. 59-60). The United Nations carried out capacity-building for nine women's organizations in Garoowe, Hargeysa and Mogadishu so as to enhance their ability to engage with and lobby law enforcement agencies on women's rights.

51. During October 2003, 205 Somalis were repatriated from Ethiopia to "Somaliland". In addition, 19 Somali refugees were repatriated from various other countries.

52. Remittances to Somalia provide approximately $1 billion of foreign income annually. The United Nations organized a conference in London on 3 and 4 December, which involved financial sector regulators from Europe and the United States of America and representatives from Somali remittance companies. The conference resulted in the establishment of the Somali Financial Services Association, a regulatory body which aims to fill the void in regulation caused by the limited mandate of central government, thus improving the credibility of the Somali remittance sector with foreign Governments.

53. The groundwork is being laid for the establishment of a Somali livestock export health certification system. The United Nations has recently established a project to systematically support this process, in recognition of the importance of the sector to Somali livelihoods.

54. No cases of polio were reported in Somalia at the end of 2003, thanks mainly to the joint efforts of the United Nations and partner agencies. The concerted implementation of national and subnational immunization days and cross-border

activities has increased coverage to more than 97 per cent, or nearly 1.4 million children per round, bringing Somalia closer to total eradication of the disease. In conjunction with the immunization days, nearly 1 million children received vitamin A capsules during the year.

55. Health agencies and local authorities have collaborated on improving the quality and sustainability of health facilities, health service delivery and more accountable health management systems in areas of relative stability. Technical support was provided to local authorities for the management of health-care systems and the development of sectoral policies. Through support from UNICEF, the World Health Organization and other partners, essential drugs and medical equipment were provided in over 400 health facilities, together with the training of medical staff in supervision and monitoring.

56. During the reporting period, the United Nations began work on the establishment of an HIV/AIDS sentinel surveillance system, combined with prevalence and validation studies on sexually transmitted infections, with the objective of establishing baseline data on HIV/AIDS. The United Nations facilitated training of HIV/AIDS counsellors in Boorama and facilitated access to appropriate medical, prevention and support services specifically targeting women.

57. During 2003, concerted and coordinated efforts among all stakeholders yielded a joint framework outlining HIV/AIDS issues in the country and presented clear strategies to prevent its spread. In the last quarter of the year, action plans for all administrative areas were finalized covering "Somaliland", "Puntland" and central/southern Somalia, using the framework as a foundation. The United Nations was able to establish key partnerships and networks that are expected to act as a springboard for future interventions.

VII. Observations

58. The agreement reached on amending the transitional charter at the Somali Leaders' Consultation in Nairobi marked a breakthrough that promises to allow further progress at the Somalia National Reconciliation Conference, which has been stalled for some time. It is my hope that the Somali leaders will continue to build on the progress made towards the establishment of an inclusive government in Somalia.

59. The next and final phase of the reconciliation process will involve the selection of members of the transitional national parliament, and they in turn are to elect the president who will lead the country during the transitional period. As the Somali leaders pursue political agreement at the Conference, I wish to point out how important it is that progress in the political arena be accompanied by serious efforts on their part to realize tangible improvement in the security situation on the ground, which would be conducive to the implementation of a political agreement. That would, in turn, accord the necessary credibility to the political agreement, which would be critical if such an agreement were to receive the full support of the people of Somalia and the international community.

60. The IGAD heads of State, in particular, President Kibaki and President Museveni, their officials and international observers, should be commended for the perseverance with which they have continued strenuous efforts to facilitate the Somali national reconciliation process. The Government of Kenya has borne a heavy

burden in hosting a large number of Somali delegates and representatives at the Conference for a protracted period. The international community, in particular the European Union, has continued to make generous financial contributions for the Conference. International observers, especially the African Union, the League of Arab States, and others have undertaken important and necessary targeted interventions in support of the mediation efforts of IGAD. Such generosity and involvement by the international community has to continue for the Somali reconciliation process to succeed.

61. At the same time, if the Somali leaders are to be encouraged to stay the course and to implement agreements they may reach in good faith, it will be necessary for the IGAD front-line States to narrow differences among themselves with regard to the Somali national reconciliation process, and to speak with one voice.

62. The mission of the Security Council Committee established pursuant to resolution 751 (1992) to the region in November 2003 and the adoption of resolution 1519 (2003) on 16 December 2003 demonstrate the Council's determination to give full effect to the implementation of the arms embargo on Somalia. By that resolution, the Council, inter alia, reiterated its serious concern over the continued flow of weapons and ammunition to and through Somalia. In accordance with the Council's request, I have established a Monitoring Group composed of four experts, for a period of six months, to be based in Nairobi. The Monitoring Group is mandated, inter alia, to investigate violations of the arms embargo covering access to Somalia by land, air and sea and to provide a draft list of those who continue to violate the arms embargo inside and outside Somalia, and their active supporters, for possible future measures by the Council.

63. Insecurity and violence in many parts of the country and more recently tensions over control of the Sool and Sanaag regions underline the fact that a comprehensive peace is both urgent and necessary in Somalia. Somali leaders and their militias should also be aware that they will be held accountable for continued violations of human rights.

64. Despite significant contributions to the 2003 consolidated appeal for Somalia, many essential services are not provided to the population because of lack of funds and the precarious security situation. During 2004, the United Nations intends to step up ongoing activities as well as the planning for peace-building initiatives. In addition to the serious humanitarian needs in all parts of Somalia, the drought in the Sool plateau is threatening to expand to other regions. Increased funding may be needed to ensure a timely and effective response.

65. The United Nations and non-governmental organizations have made greater efforts to improve the consolidated inter-agency appeal by making it more participatory; strengthening the analysis and subsequent planning; conducting both technical and senior level reviews of all projects; and prioritizing projects according to jointly developed criteria. This year, 16 non-governmental organizations participated in the process, 10 of them placing projects in the appeal alongside the United Nations. It is hoped that these efforts will lead to more cooperative, effective and strategic humanitarian engagement in 2004. To this end, I encourage donors to contribute generously to the consolidated appeal in order to ensure the fullest possible implementation of the Common Humanitarian Action Plan for Somalia.

66. In conclusion, I would like to commend my Representative for Somalia, Winston Tubman, his staff and those of the United Nations country team and the many non-governmental organizations for their efforts in support of peace and reconciliation in Somalia and for undertaking humanitarian and development activities under the difficult circumstances prevailing in the country.

United Nations S/2004/115/Corr.1

Security Council

Distr.: General
23 February 2004

Original: English

Report of the Secretary-General on the situation in Somalia

Corrigendum

Paragraph 9

The first sentence of the paragraph *should read*

The Under-Secretary-General for Political Affairs, Kieran Prendergast, visited countries in Eastern Africa and the Horn of Africa from 7 to 16 November.

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